

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No.75461

Sarah Trembley

8307 Old Harford Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 28, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-311; Baltimore County Zoning Regulations (BCZR) section 100.6, failure to remove goat from residential property of less than one acre zoned DR 5.5 known as 8307 Old Harford Road, 21234.

On July 27, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$500.00 (five hundred dollars).

The following persons appeared for the Hearing and testified: Sarah Trembley, Respondent; Gary Maslan, Esquire, on behalf of the Respondent; Robert and Linda Berkebaugh, Complainants, and their attorney, Michael P. May, Esquire; and, Kim Wood, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 12, 2010 for removal of untagged/inoperative motor vehicles, removal of junk, trash and debris from property, and removal of goat from residential property. This Citation was issued on May 3, 2010.

B. Inspector Kimberly Wood testified that this property is a single-family dwelling in Parkville, and the rear yard was being used to stable and pasture goats. She testified that she has observed two goats at the property. Photographs in the file show a large white goat and a smaller brown and white goat. She further testified that her re-inspection the day before this Hearing found no goats visible in the yard.

C. Robert Berkebaugh is a next door neighbor. He testified that during the last six months, goats have been housed on the property and have been bouncing into the wooden fence, climbing on the fence, and eating the ornamental grasses in his yard. He testified that the goats stink and leave feces all over the yard. He further testified that residents in Respondent's house piled feces from an indoor cage next to their shared fence, a foot high. He testified that he has seen three goats and heard from a neighbor that there was a fourth goat. He further testified that his backyard pool has been unusable because the phosphate level was too high to register chlorine, and this is the first time in 28 years he has had this problem.

D. Respondent's attorney, Mr. Maslan, stated that the goats have been removed from the property. He further stated that Respondent is a veterinarian who loves animals and was originally keeping a small goat in the house as a house pet. He stated that there is a lot of support in the neighborhood to allow keeping the goat but acknowledged that the code requires 3 acres for keeping a goat.

E. County zoning regulations provide that a person may not house small livestock, including sheep, goats and pigs, within a residential area less than 3 acres in size. BCZR Section 100.6. The County Code provides that small livestock, including goats, are prohibited from being housed within a residential area less than one acre in size. BCC 13-7-311. Respondent's property is 13,459 square feet in size, which is less than one-third of an acre. It is thus clear that County law does not permit Respondent to keep goats on this property. This Citation will be enforced.

F. Because compliance is the goal of code enforcement, and the evidence indicates that the violation was corrected prior to this Hearing, the civil penalty will be rescinded if re-inspections find the violation corrected. Because the evidence shows that multiple goats were brought to the property and were kept in the yard even after receipt of the County's Correction Notice, re-inspections for the next three months will be required.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspections between the date of this Order and November 1, 2010 find the violation has been corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 5th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.